

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROBERT L. CLARK	§	
v.	§	CIVIL ACTION NO. 6:07cv459
COMMISSIONER, SSA	§	

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The [Report and Recommendation](#) of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the complaint be dismissed. Plaintiff filed [written objections](#) to the Report and Recommendation on April 9, 2009.

Having made a *de novo* review of the objections filed by Plaintiff, the Court finds that the findings, conclusions and recommendation of the Magistrate Judge are correct and the objections are without merit. The facts set forth in Plaintiff's written objections were considered in the Report and Recommendation. In addition, contrary to Plaintiff's assertion in his written objections that the "waxing and waning" of his symptoms were not considered, the Report and Recommendation fully addresses Plaintiff's allegations of pain. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

In light of the foregoing, it is

ORDERED that the complaint is hereby **DISMISSED** with prejudice. Any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 7th day of May, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE